



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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July 28, 2015

Evan Lewis  
Chief, Environmental and Cultural Resources Branch  
U.S. Army Corps of Engineers  
PO Box 3755  
Seattle, WA 98124

**RE: Coastal Zone Consistency for 2015 Bertrand Creek Levee Rehabilitation Project,  
Bertrand Creek, Whatcom County, Washington**

Dear Mr. Lewis:

On May 29, 2015, U.S. Army Corps of Engineers, Seattle District (Corps) submitted a Federal Consistency Determination for rehabilitation of the Bertrand Creek Levee at several sites.

The proposed repair work includes:

- Left Bank (four sites): *Located along the left bank of Bertrand Creek, near the City of Lynden, Site LB-1: 48°55'21.74"N 122°31'42.56"W, Site LB-2: 48°55'8.04"N 122°31'46.62"W, Site LB-3: 48°55'5.46"N 122°31'47.90"W, Site LB-4: 48°55'3.69"N 122°31'48.21"W.*

Restore the levee to its pre-damaged 5-year level of flood protection. The proposed embankment re-construction at Site LB-1 (365 linear feet [lf]) would include replacement of displaced Class III riprap and underlying 4- to 8-inch spall filter layer. The rock would be covered with a layer of topsoil and seeded with native grasses. Site LB-2 (350 lf) and Site LB-4 (120 lf) would include removal of the topsoil surface layer and underlying 12- to 18-inch spall layer on the landward slope. These segments would then be reconstructed, replacing the spall layer and overlying embankment material layer. The spall layer beneath the levee crest would be replaced with suitable embankment material to reduce potential for seepage and repaired areas would be covered in turf reinforcement mats. Site LB-3 (90 lf) would include reworking the riverward slope to remove the damaged layer of Class III riprap and reconstruction of the armoring with a 1-foot layer of spall and a 3-foot layer of Class III riprap.

- Right Bank (two sites): *Located along the right bank of Bertrand Creek near the City of Lynden, Site RB-1: 48°55'5.02"N 122°31'50.82"W, Site RB-2: 48°55'2.02"N 122°31'56.31"W.*

Restore the levee to its pre-damaged 5-year level of flood protection. The repair for RB-1 (350 lf) and RB-2 (225 lf) includes removal and replacement of damaged topsoil and spall layers on the landward slope. The spall layer beneath the levee crest will be



replaced with suitable embankment material to reduce potential for seepage. All repaired areas would be seeded with native grasses and covered in turf reinforcement mats.

Pursuant to Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended, Ecology concurs with the Corps' determination that the proposed work, as described in the Corps Federal Consistency Determination dated May 29, 2015, and the email from Bobbi Jo McClain, Corps, to Rebekah Padgett, Ecology, RE: Bertrand Creek Levee Rehabilitation, dated July 23, 2015, is consistent with Washington's CZMP.

If you have any questions regarding Ecology's consistency determination please contact Rebekah Padgett at (425) 649-7129.

#### **YOUR RIGHT TO APPEAL**

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do all of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) Email is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

#### **ADDRESS AND LOCATION INFORMATION**

<b>Street Addresses</b>	<b>Mailing Addresses</b>
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel RD SW STE 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

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Sincerely,



Paul Anderson, Wetlands/401 Unit Supervisor  
Shorelands and Environmental Assistance Program  
Northwest Regional Office

PA:rrp:ap

By certified mail: 7012 1640 0000 6245 7685

cc: Bobbi Jo McClain, U.S. Army Corps of Engineers  
Joel Ingram, Washington Department of Fish and Wildlife  
Sam McDaniel, Whatcom County Planning & Development Services

e-cc: Chad Yunge – BFO  
Susan Meyer – NWRO  
Steve Hood – NWRO  
Dave Garland – NWRO  
Dave Radabaugh – NWRO  
Loree' Randall – HQ  
Anne Dettelbach – NWRO  
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